

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

May 25, 2005

DIVISION ONE

Court convened at 9:00 a.m.

Present: Spencer, P.J., Vogel (Miriam A.), J., Rothschild, J., Suzukawa, J. (Assigned)
and P. Gonzalez, Deputy Clerk.

B176109 People v. Amanda B.

Argument waived, cause submitted.

B173280 Richard Kaye
 v.
 Jack Rossen et al.

Merits:

Argued by Frederick Barak for appellant and by Arthur Carvalho for
respondents. Cause submitted.

B176690 RF Video, Inc., et al.
 v.
 Dream Stage Entertainment, Inc.

Merits:

Argued by Nathan Boatner for appellants and by Tawnya Wojciechowski
for respondent. Cause submitted.

DIVISION ONE (Continued)

B176832 Mehrdad Saghian et al.
 v.
 Lisa Minnelli Gest

Merits:

Argued by David P. Schack for appellant and by William A. Kerr for respondents. Cause submitted.

Vogel, J., leaves the bench.

B177600 Bonnie Brae Equities LLC et al.
 v.
 Union Place Partners, LLC et al.

Merits:

Argued by Stephan M. Feldman for appellants and by Luisa Jaffe for respondents. Cause submitted.

Vogel, J., returns to the bench.

B176352 Barry Levine
 v.
 Claire Levine

Merits:

Argued by Thomas P. Dunlap for appellant and by Constantin Marcou for respondent. Cause submitted.

B166784 The People
 v.
 Joseph E. Robinson

Merits:

Argued by Gail Harper for appellant and by Herbert S. Tetef for respondent. Cause submitted.

Vogel, J., leaves the bench.

May 25, 2005 (Continued)

DIVISION ONE (Continued)

B171700 **ABF Capital Corp.**
v.
Robert Berglass

Merits:
Argued by Brian Jacobs for appellant and by Heleni E. Suydam for respondent. Cause submitted.

Vogel, J., returns to the bench.

Suzukawa, J. (Assigned), leaves the bench.

B176673 Gina Tervalon
v.
Andrew Adelman,
City of Los Angeles

Merits:
Argued by Michael Leight for appellant, by Adrian J. Guidotti for respondent Adelman and by Chike G. Onyia for respondent, City of Los Angeles. Cause submitted.

Court adjourned.

DIVISION THREE

B171879 People (Not for Publication)
v.
Garcia

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

DIVISION THREE (Continued)

B172479 People (Not for Publication)
v.
Shaw

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

B173633 People (Not for Publication)
v.
Dark

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B170719 Susan Hahn, et al. (Not for Publication)
v.
U.S.C. University Hospital, et al.

The judgment is affirmed with regard to USC Head & Neck. USC Head & Neck is entitled to its costs on appeal. Upon remand, the trial court is to ascertain the costs on appeal. The trial court may, if required, re-address the costs awarded to USC Head & Neck pursuant to Code of Civil procedure section 1033.5. The judgments are reversed with regard to all other defendants, USC Hospital, Dr. Heart, Dr. Gruen, and USC Neurosurgeons. With regard to these defendants Ms. Hahn and Thomas Hahn are entitled to costs on appeal. Upon remand, the trial court is to ascertain the costs on appeal.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

May 25, 2005 (Continued)

DIVISION FIVE

B178004 In re Tony Aremu (Not for Publication)
 v.
 Superior Court, Los Angeles County
 (Department of Corrections, r.p.i.)

The order granting the habeas corpus petition is reversed.

Turner, P.J.

We concur: Mosk, J.
 Kriegler, J.

DIVISION SIX

Court convened at 9:31 a.m.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and J. Terry, Deputy Clerk.

B177353 Sheehy Road Water Systems Subscribers
 v.
 Pirghaibi, et al.

Merits:
Argued by Tyron J. Sheppard for appellants and by John F. Hodges for respondent. Cause submitted.

B173111 Estrada
 v.
 Celestine

Merits:
Argued by Robert C. Mires for respondent. Argument previously waived by appellant's counsel. Cause submitted.

DIVISION SIX (Continued)

B177101 Marriage
 of
 Benson

Merits:

Argued by Larry LaBorde for appellant and by John R. Rydell for respondent. Cause submitted.

B181148 Jessica B.
 v.
 Santa Barbara Superior Court
 (Child Protective Services, r.p.i.)

Extraordinary Writ:

Presented by Adrian S. Andrade for petitioner and by David McDermott, Deputy County Counsel, for respondent. Cause submitted.

B176704 Porter
 v.
 Thibeault

Merits:

Argued by Scott R. Baker for appellant and by Sandra K. McBeth for respondent. Cause submitted.

B177789 Heritage Ranch Owners
 v.
 Guenther, et al.

Merits:

Argued by John R. Johnson for appellants, by Maureen Elizabeth Clark for respondent Guenther and by Robert K. Schiebelhut for respondents H.R. Holdings, et al. Frederick K. Glick appeared for respondents King, et al. and waived argument. Cause submitted.

Court recessed at 10:54 a.m.

May 25, 2005 (Continued)

DIVISION SIX (Continued)

Court reconvened at 10:59 a.m.

Present: Gilbert, P.J., Yegan, J., Perren, J. and J. Terry, Deputy Clerk.

B178329 Garcia
v.
Board of Trustees of the California State University

Merits:
Argued by Thomas Andrew Saenz for appellants and by Violet Fiacco,
University Counsel, for respondents. Cause submitted.

Court adjourned.

DIVISION SEVEN

B164706 People
v.
Mack

Filed order denying petition for rehearing.

DIVISION EIGHT

B174668 People (Not for Publication)
v.
Saldana

The judgment is affirmed.

Boland, J.

We concur: Rubin, Acting P.J.
Flier, J.

DIVISION EIGHT (Continued)

B172199 People (Not for Publication)
v.
Paz

The judgment is affirmed. The trial court is directed to prepare and transmit to the Department of Corrections and amended abstract of judgment that omits reference to any fines. The court shall also correct the clerical error referring to fines in the minutes of December 3, 2003.

Cooper, P.J.

We concur: Rubin, J.
Boland, J.

B170130 Heersema, et al., (Not for Publication)
v.
Dave Altman's R.V. Centers, Inc., et al.,

The appeal of defendants Winnebago and Cummins is dismissed. The judgment and the order under Code of Civil Procedure section 663 are affirmed. The order awarding attorney fees is reversed, with directions to redetermine the award of fees, consistently with this decision. The parties shall bear their own costs.

Cooper, P.J.

We concur: Rubin, J.
Flier, J.

B175212 Michael and Nasrin Amiri (Not for Publication)
v.
Fire Insurance Exchange

The judgment is affirmed. Respondent shall recover its costs on appeal.

Rubin, J.

We concur: Cooper, P.J.
Flier, J.

May 25, 2005 (Continued)

DIVISION EIGHT (Continued)

B173908 Los Angeles County, D.C.S.
 v.
 Gene E.

Filed order vacating submission order of April 11, 2005. Additional briefing ordered.